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| EXAMINER |
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3621

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,124

Applicant(s)

HARFORD ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-7, 13 and 16-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 4, 13 and 18, it is not clear what "satisfying the offer with the second quote from the one supplier" mean.

Claim 16 recites the limitation "the corresponding supplier" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the second value" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the corresponding supplier" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitation "the corresponding supplier" in line 16 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 5-7, 17-25, 27-31 and 33-37 are rejected for incorporating the errors of their respective base claims by dependency.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 6,108,639 in view of Freeny, Jr., U. S. Patent 6,076,071.

As to claim 1, Walker teaches a computer-implement method of matching an offer for a product with a supplier, comprising (abstract):

- a) Receiving the offer from a customer machine (column 10 lines 5-7 and Fig. 10A);
- b) Obtaining at least one quote for the product from each of a plurality of suppliers (column 10 lines 41-45 and Figs. 10B);
- c) Identifying a qualifying quote for the product from each of the quotes obtained from the plurality of suppliers (column 10 lines 41-45 and column 11 lines 13-16 and Figs. 10B-10C);

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- d) Comparing the qualifying quotes from each of the quotes obtained to identify a most-preferential quote of the qualifying quotes (column 11 lines 13-32 and Fig. 10C);
- e) If the offer exceeds the most-preferential quote, matching the offer with the supplier corresponding to the most-preferential quote is taught by Walker as according to predetermined criteria, matching the offer with the supplier corresponding to the most-preferential quote (column 11 lines 13-32 and Fig. 10C);
- f) Evaluating any other quotes provided by the supplier corresponding to the most-preferential quote is taught by Walker as according to predetermined criteria, evaluating all quotes provided by the supplier corresponding to the most-preferential (column 11 lines 13-32 and Figs. 10C).

Walker does not specifically teach obtaining at least two quotes from one supplier in the plurality of suppliers, a first quote from the one supplier being lower than a second quote from the one supplier. However, this matter is taught by Freeny as the same items can be published at two different prices from one supplier (column 8 lines 19-23 and column 11 lines 9-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker to obtain at least two quotes at different prices from one supplier because this would provide the supplier with more opportunities to maximized its profit.

As to claim 2, Walker teaches the offer includes a price and a description of the product (column 10 lines 5-8).

As to claim 3, Walker modified by Freeny as discussed above does not specifically state the product is a travel service. It would have been obvious to one of ordinary skill in the art to allow the product as described above to be a travel service because this would expand the usage environment of Walker modified by Freeny and attract more people to use such system or method.

As to claim 4, in case the one quote is the most-preferential quote, evaluating any other quotes comprises satisfying the offer with the second quote from the one supplier is taught by Walker modified by Freeny as according to predetermined criteria, evaluating all quotes provided by the supplier that satisfying the offer (Walker: column 11 lines 13-32 and Figs. 10C).

As to claim 5, the one quote is the lowest quote made by the one supplier is taught by Walker modified by Freeny as the same items can be published at two different prices from one supplier (see claim 1 above).

As to claim 6, Walker teaches negotiating a purchase of the product from the supplier corresponding to the most-preferential quote (Figs. 10C-10D).

As to claim 7, Walker modified by Freeny teaches negotiating a purchase of the product from the supplier (see claim 6), and the product is a travel service (see claim 3). Walker modified by Freeny does not specifically teach negotiating a purchase of the product from the supplier includes making a reservation for a travel service provided by the supplier at a value corresponding to the second quote. However, Walker teaches if no offer from any sellers/suppliers is provided within the conditional purchase offer predefined time period, then a counteroffer is submitted to the customer; and the

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customer can accept the counteroffer (Figs. 10C-1D). Walker does not specifically state the counteroffer that accepted by the customer is at a higher price (the second quote).

It would have been obvious to one of ordinary skill in the art to realize that a counteroffer commonly comprises a higher price offer to the customer. Thus, one of ordinary skill in the art would have been motivated to include a higher price offer as a counteroffer condition in the teachings of Walker modified by Freeny to promote faster sale of the product.

As to claim 8, the qualifying quotes from each of the quotes obtained includes calculating a value above which a particular quote is not economically viable and excluding quotes above the calculated value is taught by Walker as evaluating all the qualifying quotes, and selecting only one qualifying quote by eliminating all other qualifying quotes according to predetermined criteria (column 11 lines 13-32 and Figs. 10C).

6. Claims 16-17, 19-25 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 6,108,639 in view of Bingham et al., U. S. Patent 6,324,517.

As to claim 16, Walker teaches a computer-implemented method for matching an offer for a product with a supplier, comprising (abstract):

- a) Receiving the offer from a customer machine, the offer identifying a price and a minimum acceptable quality for the product (column 5 lines 65-67 and column 10 lines 5-8 and Fig. 10A);

- b) Calculating a first value based on the offer that reflects a desired margin is taught by Walker as determining if there is any item that meet the customer's offer based on the customer's specification (Fig. 10B);
- c) Obtaining at least one quote for the product from each of a plurality of suppliers, each quote identifying a price for the product that the corresponding supplier is ready to accept, each product having a rating for the quality of the product being quoted by the corresponding supplier (column 9 lines 11-14, 33-35 and column 10 lines 41-45 and Figs. 7-8, 10B-10C);
- d) Selecting one quote from each of the suppliers is taught by Walker as selecting one quote from each of the suppliers that meet the conditional purchase offer within a predetermine time period (Figs. 10B-10C);
- e) For those suppliers that meet the conditional purchase offer within a predetermine time period, matching the offer from the customer according to predetermined (column 11 lines 13-32 and Fig. 10C);
- f) Selecting a most-preferential supplier as the mach for the offer (column 11 lines 13-32 and Figs. 10C).

Walker does not specifically teach for those suppliers for which the one quote provided is below the second value, ranking those suppliers based on the rating associated with the product being quoted by the supplier. However, this mater is taught by Bingham as for the suppliers that meet the customer's minimum requirements, ranking those suppliers based on the rating associated with the product being quoted by the supplier (column 9 lines 52-57 and Figs. 13-14). It would have been obvious to one



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of ordinary skill in the art at the time the invention was made to the teachings of Walker to include ranking the suppliers based on the rating associated with the product if the suppliers meet customer's minimum requirements because this would assist the customer to make a better selection among the plurality of the qualified quotes.

As to claim 17, Walker does not specifically teaches calculating a second value, based on the offer, above which a quote for the product is not economically desirable; and for those suppliers for which the one quote provided is between the first value and the second value, ranking those suppliers based on the cost associated with the corresponding. However, this idea is taught by Bingham as the qualified quotes can be further filtered by applying an additional restrain value, and the further filtered quotes can be ranked according to different categories such as quality rating (column 9 line 52 – column 10 line 5 and Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker to include the feature of applying additional restrain value to the qualified quotes, and ranking the results according to a certain category because these would assist the customer to make a better selection among the plurality of the qualified quotes.

As to claim 19, Walker does not specifically teach quotes having higher ratings are ranked at a higher level of preference. However, Bingham teaches this matter (column 9 line 52 – column 10 line 5 and Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to the teachings of Walker to include quotes having higher ratings are ranked at a higher level of

preference because this would assist the customer to make a better selection among the plurality of the qualified quotes.

As to claim 20, Walker does not specifically teach quotes having the same ratings are ranked in descending order of preference according to the cost associated with each quote. However, this matter is taught by Bingham as the ranked quotes can be further ranked according to different categories (column 9 line 52 – column 10 line 5 and Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker to include the feature of further ranking the ranked quotes according to different categories because this would assist the customer to make a better selection among the plurality of the qualified quotes.

As to claim 21, Walker teaches selecting a quote provided by the most-preferential ranked supplier as the quote that satisfies the offer (column 11 lines 13-32).

As to claim 22, Walker teaches the quote that satisfies the offer comprises the lowest quote provided by the most preferential-ranked supplier (column 11 lines 13-32).

As to claim 23, Walker modified by Bingham teaches the quote that satisfies the offer comprises a quote provided by the most preferential-ranked supplier other than the lowest quote provided (Walker: column 11 lines 13-32; Bingham: column 9 line 52 – column 10 line 5 and Figs. 13-14).

As to claim 24, Walker modified by Bingham teaches the quote that satisfies the offer comprises the highest quote provided by the most preferential-ranked supplier

(Walker: column 11 lines 13-32; Bingham: column 9 line 52 – column 10 line 5 and Figs. 13-14).

As to claim 25, Walker modified by Bingham teaches the quote that satisfies the offer comprises the highest quote provided by the most preferential-ranked supplier that is still below the first value (see claims 16 and 23 above).

As to claim 32, Walker teaches a computer system for satisfying offers with quotes, comprising (abstract):

- a) A web server component configured to interface with a customer machine over a network connection and receiving from the customer machine an offer for a product, the offer identifying a price for the product and a minimum quality rating for the product (column 5 lines 65-67 and column 6 lines 41-54 and column 10 lines 5-8 and Fig. 10A);
- b) Obtaining from each supplier in a plurality of suppliers, at least one quote to provide the product at a price and at a particular quality rating (column 9 lines 11-14, 33-35 and column 10 lines 41-45 and Figs. 7-8, 10B);
- c) Matching the offer with a most-preferential ranked supplier is taught by Walker matching the offer according to predetermined criteria (column 11 lines 13-32 and Figs. 10C).

Walker does not specifically state the computer system is a travel service. However, Bingham teaches this matter (Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the system in

Walker's teaching to be a travel service because this would expand the usage environment of Walker, and attract more people to use the system.

Walker does not specifically teach a sorter component configured to rank the suppliers according to one quote provided by each of the plurality of suppliers with preferential rankings being awarded based on the quality rating associated with the corresponding quote, and negotiate a purchase of the product from the most preferential-ranked supplier. However, Bingham teaches these matters (column 8 line 59 – column 9 line 17 and column 9 lines 52-57 and Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to the teachings of Walker to include the feature of the sorter, and negotiating a purchase of the product from the most preferential-ranked supplier because these would assist the customer to make a better and quick selection among the plurality of the qualified quotes.

As to claim 33, Walker does not specifically teach the sorter component is further configured to rank the suppliers based on first on the quality rating associated with the corresponding quote and second on the price associated with the corresponding quote. However, this matter is taught by Bingham as the ranked suppliers can be sorted according to different categories (column 9 line 52 – column 10 line 15 and Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to the teachings of Walker to include the feature of the sorting the ranked suppliers according to different categories because this would assist the customer to make a better and quick selection among the plurality of the qualified suppliers.

As to claim 34, Walker modified by Bingham teaches the electronic travel agent is further configured to negotiate a purchase of the product from the most preferential-ranked supplier at a higher price than the price associated with the one quote provided by the most preferentially-ranked supplier (see claim 32 above).

As to claim 35, Walker modified by Bingham teaches the higher price is the price associated with another provided by the most preferentially-ranked supplier (see claims 32 above).

As to claim 36, Walker modified by Bingham further teaches the sorter component is further configured to calculate a value, based on the offer, above which it is economically practical to match the offer with a supplier (Walker: Figs. 10B-10C; Bingham: Figs. 13-14).

As to claim 37, Walker modified by Bingham further teaches the sorter component is further configured to discard those suppliers that do not provide a quote below the calculated value (Walker: Figs. 10B-10C; Bingham: column 9 line 52 – column 10 line 15 and Figs. 13-14).

7. Claims 9-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al., U. S. Patent 6,108,639 in view of Freeny, Jr., U. S. Patent 6,076,071 in further view of Bingham et al., U. S. Patent 6,324,517.

As to claim 9, Walker teaches a computer-readable medium having computer-executable instructions, comprising:

- d) Receiving from a customer machine an offer representing a value that the customer is willing to exchange for a product (column 10 lines 5-8 and Fig. 10A);

- e) Receiving a set of quotes from each of a plurality of suppliers to provide the product (column 10 lines 41-45 and Figs. 10B);
- f) Matching the offer from the customer according to predetermined criteria (column 11 lines 13-32 and Fig. 10C);
- g) Evaluating any other quotes provided by the supplier corresponding to the most-preferential quote is taught by Walker as according to predetermined criteria, evaluating all quotes provided by the supplier corresponding to the most-preferential (column 11 lines 13-32 and Figs. 10C).

Walker does not specifically teach receiving at least two quotes from one supplier in the plurality of suppliers, a first quote from the one supplier being lower than a second quote from the one supplier. However, this matter is taught by Freeny as the same items can be published at two different prices from one supplier (column 8 lines 19-23 and column 11 lines 9-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teachings of Walker to obtain at least two quotes at different prices from one supplier because this would provide the supplier with more opportunities to maximize its profit.

Walker modified by Freeny teaches selecting a supplier according to predetermined criteria as discussed above. Walker modified by Freeny does not specifically teach ranking each supplier according to the value of at least one quote in the set of quotes received from each supplier, and selecting a highest ranked supplier from the plurality of supplier. However, Bingham teaches these matters (column 3 line 65 – column 4 line 9 and column 8 lines 7-25). It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to allow Walker modified by Freeny to include the feature of ranking each supplier according to the value, and selecting the highest ranked supplier because this would quickly provide the customer the matched result with optimal value.

As to claim 10, Walker teaches the value of the one quote includes a price for the product (Figs. 7-8).

As to claims 11-12, Walker teaches the value of the one quote includes a quality rating associated with the product quoted by the supplier (column 9 lines 11-14, 33-35 and Figs. 7-8).

As to claim 13, in case the one quote is the most-preferential quote, satisfying the offer with the second quote from the one supplier is taught by Walker modified by Freeny and further modified by Bingham as according to predetermined criteria, evaluating all quotes provided by the supplier that satisfying the offer (Walker: column 11 lines 13-32 and Figs. 10C).

As to claim 14, Walker modified by Freeny and further modified by Bingham teaches the product includes a characteristic having a rating, the offer identifying an acceptable rating value and wherein the quote received from a each supplier identifies the rating of the product being quoted by that supplier (see claims 9, 11-12 above).

As to claim 15, Walker modified by Freeny as discussed above does not specifically state the product is a travel service and the characteristic includes a quality of the travel service. However, Bingham teaches this matter (Figs. 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made

to allow the product to be a travel service and the characteristic includes a quality of the travel service because these would expand the usage environment of Walker modified by Freeny, and provide the customer with a good quality service, and attract more people to use such system or method.

Claim 18 is rejected for the similar reasons as claims 9 and 13.

***Allowable Subject Matter***

8. Claims 26-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barnewall et al. (U. S. Patent 5,634,055) discloses selecting and ranking preferred possible assignments for submission to an employer.

Walker et al. (U. S. Patent 6,134,534) discloses a conditional purchase offer (CPO) management system is for receiving CPOs from one or more customers such as cruise and airline passengers, and for evaluating the received CPOs against number of CPO rules defined by a plurality of sellers.

DeMarcken (U. S. Patent 6,275,808) discloses an airline travel planning system searches for set of pricing solutions in accordance with at least one destination and at least one origin.



EP 1 006 458 A1 discloses a ranking tool determines for each presented document the value of one or more predetermined measures of document relevance and quality.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
August 10, 2003

  
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